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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,426	02/23/2004	Ru-Shang Wang	915-005.062-1	8590

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EXAMINER	
HOLDER, ANNER N	

ART UNIT	PAPER NUMBER
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/785,426	WANG ET AL.	
	Examiner	Art Unit	
	ANNER HOLDER	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 19-24 and 27-32 are objected to because of the following informalities: Applicant's specification fails to disclose the computer readable media or medium used to store program code. Appropriate correction is required.

Double Patenting

2. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

3. Claims 19-24 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 27-32. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Response to Arguments

4. Applicant's arguments, see pages 12-16, filed 01/25/08, with respect to the rejection(s) of claim(s) 1-32 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Martin US 6,393,055 B1.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Martin US 6,393,055 B1.

7. As to claim 1, Martin teaches a method for transmitting video information, in which at least one bitstream is formed from the video information comprising a set of frames, the frames comprising macroblocks, wherein the method comprises: forming at least one switching frame into said bitstream; [Abstract; Fig. 5; col. 1 lines 7-35] arranging macroblocks of said switching frame into a first group of macroblocks and a second group of macroblocks; [col. 3 lines 40-65; col. 1 lines 7-35] encoding each macroblock of said first group of macroblocks by a first encoding method to provide a switching point for continuing transmission of video information with another bitstream formed from the video information; [Abstract; Col. 4 Lines 15-20] and encoding macroblocks of said second group of macroblocks by another encoding method. [Col. 4 Lines 25-30]

8. As to claim 7, see rejection of claim 1 above.

9. As to claim 13, see rejection of claim 1 above.

10. As to claim 19, see rejection of claim 1 above.

11. As to claim 27, see rejection of claim 1 above.

12. As to claim 2, Martin teaches encoding said first group of macroblocks by an intra encoding method. [col. 2 lines 60-67; col. 3 lines 5-22]

13. As to claim 8, see rejection of claim 2 above.

14. As to claim 14, see rejection of claim 2 above.

15. As to claim 20, see rejection of claim 2 above.

16. As to claim 28, see rejection of claim 2 above.

17. As to claim 3, Martin teaches encoding said second group of macroblocks by a predictive encoding method. [col. 2 lines 60-67; col. 3 lines 5-22; col. 7 lines 19-50]

18. As to claim 9, see rejection of claim 3 above.

19. As to claim 15, see rejection of claim 3 above.

20. As to claim 21, see rejection of claim 3 above.

21. As to claim 29, see rejection of claim 3 above.

22. As to claim 4, Martin teaches arranging said macroblocks of said switching frames into a set of slices, and arranging macroblocks of one slice of said set of the slices as said first group of macroblocks, and arranging macroblocks of other slices of said set of the slices as said second group of macroblocks. [col. 7 lines 38-50]

23. As to claim 10, see rejection of claim 4 above.

24. As to claim 16, see rejection of claim 4 above.

25. As to claim 22, see rejection of claim 4 above.

26. As to claim 30, see rejection of claim 4 above.

27. As to claim 5, Martin teaches forming at least a first switching frame and a second switching frame into said bitstream, the switching frames being divided into mutually similar groups of macroblocks with each macroblock of the first switching frame having a spatially respective macroblock in said second switching frame; [fig. 5; col. 4 lines 15-30; col. 7 lines 19-60] arranging macroblocks of said first switching frame into a first group and a second group of macroblocks; [abstract; fig. 5; col. 4 lines 15-30; col. 7 lines 19-50] arranging macroblocks of said second switching frame into a third group and a fourth group of macroblocks so that the macroblocks of said third group of macroblocks are spatially different macroblocks than the macroblocks of said first group of macroblocks; [abstract; fig. 5; col. 4 lines 15-30; col. 7 lines 19-50] encoding each macroblock of said first group and said third group of macroblocks by a first encoding method to provide a switching point for continuing the transmission of video information with said other bitstream formed from the video information; and encoding macroblocks of said second group and said fourth group of macroblocks by another encoding method. [abstract; fig. 5; col. 2 lines 60-67; col. 3 lines 5-22; col. 4 lines 15-30; col. 7 lines 19-60]

28. As to claim 11, see rejection of claim 5 above.

29. As to claim 17, see rejection of claim 5 above.

30. As to claim 23, see rejection of claim 5 above.

31. As to claim 31, see rejection of claim 5 above.

32. As to claim 6, Martin teaches forming an intra encoded frame from a frame of said set of frames, forming switching predictive encoded frame from a frame following said intra encoded frame, and forming said at least one switching frame from a frame following said switching predictive encoded frame. [abstract; fig. 5; col. 2 lines 60-67; col. 3 lines 5-22; col. 4 lines 15-30; col. 7 lines 19-60]

33. As to claim 12, see rejection of claim 6 above.

34. As to claim 18, see rejection of claim 6 above.

35. As to claim 24, see rejection of claim 6 above.

36. As to claim 32, see rejection of claim 6 above.

37. As to claim 25, Martin teaches forming at least one switching predictive encoded frame into said bitstream by predictively encoding the macroblocks of the frame; [Abstract; Fig. 5; col. 1 lines 7-35] replacing part of the switching predictive encoded macroblocks with macroblocks encoded by an intra encoding method; [col. 2 lines 60-67; col. 3 lines 5-22] and transmitting a frame containing both predictively encoded macroblocks and intra encoded macroblocks instead of said switching predictive encoded frame. [col. 2 lines 60-67; col. 3 lines 5-22; col. 7 lines 19-50]

38. As to claim 26, see rejection of claim 25 above.

Conclusion

39. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chen et al. (US 7,046,910 B2); Wu et al. (US 6,804,301); Wilkinson (US 6,160,844);

Le Roux et al. (US 6,618,438); Luthra et al. (US 6,434,195); Thoreau et al (US 6,393,057); Karczewicz et al. (US 6,765,693); Saunders et al. (US 6,529,555).

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNER HOLDER whose telephone number is (571)270-1549. The examiner can normally be reached on M-Th, M-F 8 am - 3 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANH 04/14/08

/Tung Vo/

Primary Examiner, Art Unit 2621